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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			SPAHN, GAY	
ART UNIT	PAPER NUMBER			
	3635			
NOTIFICATION DATE	DELIVERY MODE			
12/10/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/574,288	Applicant(s) GANSEMANS, MARC
	Examiner Gay Ann Spahn	Art Unit 3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 2/10/09, 5/13/09, and 8/24/09.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11-15 and 21-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 11-15 and 21-25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Amendment

The "Amendments to the Specification" filed on 24 August 2009 does not comply with the requirements of 37 CFR 1.121(b) because:

(1) the examiner notes that almost every instance where the word "system" appears in the Substitute Specification it has been capitalized, but the word "system" was nowhere capitalized in the original specification and thus, Applicant has not provided a substitute specification that has been amended correctly with respect to the immediately prior version.

More particularly, see word "System" in the Marked-Up Copy of the Original specification at: (1) page 1, line 25 and compare to original specification at page 1, line 7; (2) page 2, line 5 and compare to original specification at page 1, line 13; (3) page 2, line 11 and compare to original specification at page 1, line 17; (4) page 2, line 13 and compare to original specification at page 1, line 18; (5) page 2, line 21 and compare to original specification at page 1, line 22; (6) page 2, line 22 and compare to original specification at page 1, line 24; (7) page 2, line 24 and compare to original specification at page 1, line 25; (8) page 6, line 3 and compare to original specification at page 4, line 12; (9) page 6, line 14 and compare to original specification at page 4, line 26; (10) page 6, line 15 and compare to original specification at page 4, line 26; (11) page 6, line 23 and compare to original specification at page 4, line 35; (12) page 7, line 9 and compare to original specification at page 5, line 12; (13) page 7, line 10 and compare to

original specification at page 5, line 13; (14) page 7, line 15 and compare to original specification at page 5, line 19; (15) page 7, line 18 and compare to original specification at page 5, line 22; (16) page 7, line 19 and compare to original specification at page 5, line 23; (17) page 8, line 12 and compare to original specification at page 6, line 12; (18) page 9, line 3 and compare to original specification at page 6, line 26; (19) page 9, line 8 and compare to original specification at page 6, line 33; (20) page 9, line 13 and compare to original specification at page 7, line 3; (21) page 10, line 1 and compare to original specification at page 7, line 18; (22) page 10, line 10 and compare to original specification at page 7, line 27; (23) page 11, line 5 and compare to original specification at page 8, line 16; (24) page 11, line 9 and compare to original specification at page 8, line 20; (25) page 12, line 22 and compare to original specification at page 9, line 24; (26) page 13, line 19 and compare to original specification at page 10, line 1; and (27) page 14, line 22 and compare to original specification at page 11, line 8.

(2) Further, the two lines at the top of page 12 of the Marked-Up Copy of the original specification have not been amended correctly with respect to the immediate prior version of the specification (i.e., original specification) because on the lines beginning with the word "expanded" and the words "the panel" already have dashes and doesn't need dashes added.

(3) The Marked-Up Copy of the Abstract should NOT have been completely underlined since all Applicant was doing was changing the format from single spacing to double spacing, but was not substantively amending the Abstract.

Amendments to the specification filed on or after July 30, 2003 must comply with 37 CFR 1.121(b) which states:

(b) Specification . Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) Amendment to delete, replace, or add a paragraph . Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

(iii) The full text of any added paragraphs without any underlining; and

(iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.

(2) Amendment by replacement section . If the sections of the specification contain section headings as provided in § 1.77(b), § 1.154(b), or § 1.163(c), amendments to the specification, other than the claims, may be made by submitting:

(i) A reference to the section heading along with an instruction, which unambiguously identifies the location, to delete that section of the specification and to replace such deleted section with a replacement section; and;

(ii) A replacement section with markings to show all changes relative to the previous version of the section. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double

brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

(3) Amendment by substitute specification . The specification, other than the claims, may also be amended by submitting:

- (i) An instruction to replace the specification; and
- (ii) A substitute specification in compliance with §§ 1.125(b) and (c).

(4) Reinstatement of previously deleted paragraph or section . A previously deleted paragraph or section may be reinstated only by a subsequent amendment adding the previously deleted paragraph or section.

(5) Presentation in subsequent amendment document . Once a paragraph or section is amended in a first amendment document, the paragraph or section shall not be represented in a subsequent amendment document unless it is amended again or a substitute specification is provided.

The examiner notes that rather than send out either a "Notice of Non-Compliant Amendment (37 CFR 1.121)" or "Failure to Acceptably Respond to Notice of Non-Compliant Amendment (37 CFR 1.121) *No New Time Period for Reply is Provided*" and in order to advance prosecution, the examiner is simply NOT entering the "Amendments to the Specification" section of the amendment document filed 24 August 2009 and the "Amendments to the Drawings" section of the amendment document filed 10 February 2009 (since the changes to the drawings would create further objection due to the changes to the specification not being entered) and is repeating below the drawing objections and the specification objections from the Office Action mailed 10 November 2008.

Drawings

The drawings are objected to because:

- (1) "Figure 1" should be deleted since according to 37 CFR 1.84(u)(1), last sentence, "[w]here only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear";
- (2) the reference numerals cannot be enclosed within circles according to 37 CFR 1.84(p)(1);
- (3) the foamed core (3) has thin diagonal lines therein which is the cross-sectional symbol for metal according to the Manual of Patent Examining Procedure (MPEP) § 608.02 IX, entitled "Drawing Symbols" and it should be changed to the cross-sectional symbol for "Foam-Synthetic Resin";
- (4) the ends of the panels (4, 4') should have "line breaks" to indicate the panels are shown in a partial view;
- (5) the "box" around the panels (4, 4') should be deleted;
- (6) the "dots" at the end of the lead lines leading from reference numerals "10" and "11" should be deleted;
- (7) the lines used for "cavity" (12, 13) is the way to show dimension, not the correct way to show a cavity; and
- (8) the arrows below panels (4, 4') should be given lead lines leading to a reference numeral and explained in the specification or else deleted.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

(1) reference characters "10" and "12" have both been used to designate the upper "cavity"; and

(2) reference characters "11" and "13" have both been used to designate the upper "cavity".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as

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either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities:

- (1) the headings discussed above in the "Arrangement of the Specification" must be inserted into the specification;
- (2) page 8, line 18, the British spelling of "moulding" should be changed to the U.S. spelling of --molding--;
- (3) page 8, line 32, the British spelling of "mould" should be changed to the U.S. spelling of --mold--;
- (4) page 9, lines 1 and 10, the British spelling of "mould" should be changed to the U.S. spelling of --mold--;
- (5) page 9, line 25, both occurrences of the British spelling of "moulding" should be changed to the U.S. spelling of --molding--;
- (6) page 10, line 4, if the last word is "must", it should be amended to make this clear as the word is distorted and many of the words at the end of the lines on page 10 are distorted and should be amended where not clear;
- (7) page 11, line 24, the word --core-- should be inserted at the end of the line since reference numeral "3" represents the foam core;
- (8) page 11, line 25, the word "section" should be changed to --panel-- as reference numeral "4" represents the panel;
- (9) page 11, line 27, the word "section" should be changed to --panel-- as reference numeral "4" represents the panel;
- (10) page 11, line 34, the word French word "et" should be changed to the English word --and--;

(11) page 11, line 36, reference numerals "6" and "8" represents the ends so it is believed the word "points" should be changed to --ends--; and

(12) page 12, line 3, the British spelling of "centre" should be changed to the U.S. spelling of --center-- and the "S" should be changed to --S-shape-- or similar.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

More particularly, since the manufacturing process and use have been restricted out of the application, the title should only reflect the insulating panel.

Since many examiners use the title of the invention for searching purposes, the examiner suggests that Applicants amend the title of the invention to one that is clearly indicative of the patentable feature of the invention. However, should Applicants choose not to amend the title of the invention, the examiner will amend the title of the invention at the time of allowance, if any (pursuant to the Manual of Patent Examining Procedure (MPEP) § 606.01, wherein it states that "[i]f a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11, 12, 15, 21, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as

**being unpatentable over GARTRELL (U.S. Patent No. 3,357,146) in view of
HOLMGREN ET AL. (U.S. Patent No. 3,583,123).**

As to claim 11, GARTRELL discloses a multilayer insulating panel comprising:
an injected/foamed plastic core (24) incorporated between two layers (22, 23) of non-expanded material (see col. 2, lines 44-47); and

an integrated assembly system comprising two assembly sections (25, 26), each assembly section (25, 26) being shaped so as to interlock with an other assembly section of an identical complimentary panel, thus allowing the panel (20) and the complementary panel (21) to be assembled in at least one dimension in space,

wherein the integrated assembly system is of a form that, when the panel (20) and complementary panel (21) are assembled, the assembly systems (25, 26) of the panel (20) and the complementary panel (21) delimit at least one first adjustable cavity (what 54 or 51 are in in Fig. 3) configured for injecting a seal (54), and

wherein the assembly sections (25, 26) and the layers (22, 23) of non-expanded material (see col. 2, lines 44-47) are formed as separate parts (see Figs. 1-3 where it is clear that all are separate parts).

GARTRELL fails to explicitly disclose that the cavity is widening at least partly towards the inside of the panel.

HOLMGREN ET AL. disclose that it is well known in the art to have cavities between adjacent panels where the cavity widens at least partly towards the inside of the panel (see widening cavities between panels in Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multilayer insulating panel of GARTRELL by making the cavity widen at least partly towards the inside of the panel as taught by HOLMGREN ET AL. in order that the material injected into the cavity remains in place due to the widening of the cavity to better seal the two adjacent panels.

As to claim 12, GARTRELL in view of HOLMGREN ET AL. discloses a multilayer insulating panel according of claim 11 as discussed above, and GARTRELL also discloses that the panel is mainly made of plastic (see col. 2, line 50 wherein it states that core is plastic and core makes up most of panel).

As to claim 15, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 11 as discussed above, and the resulting panel from the combination of GARTRELL in view of HOLMGREN ET AL. also discloses that once the panel (20 of GARTRELL) and the complementary panel (21 of GARTRELL) have been assembled, the assembly systems (25, 26 of GARTRELL) of the panel (20 of GARTRELL) and of the complementary panel (21 of GARTRELL) delimit a second cavity (other of upper or lower cavity that 51 or 54, respectively, is in in Fig. 3 of GARTRELL), wherein the second cavity is on a face of each of the assembled panel (20 of GARTRELL) and the complementary panel (21 of GARTRELL).

As to claim 21, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 11 as discussed above, and the resulting panel from the combination of GARTRELL in view of HOLMGREN ET AL. also discloses that the assembly sections (25, 26 of GARTRELL) are shaped such that when the panel (20 of GARTRELL) and the complementary panel (21 of GARTRELL) are assembled, a play is maintained at some points between the assembly sections (25, 26 of GARTRELL) of the panel (20 of GARTRELL) and of the complementary panel (21 of GARTRELL) which are interlocked.

As to claim 22, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 11 as discussed above, and the resulting panel from the combination of GARTRELL in view of HOLMGREN ET AL. also discloses that the assembly sections (25, 26 of GARTRELL) are shaped such that when the panel (20 of GARTRELL) and the complementary panel (21 of GARTRELL) are assembled, the sections (25, 26 of GARTRELL) of the panel (20 of GARTRELL) and of the complementary panel (21 of GARTRELL) which are interlocked allows a degree of torsion between them.

As to claim 24, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 11 as discussed above, and the resulting panel from the combination of GARTRELL in view of HOLMGREN ET AL. also discloses that the depth of the adjustable cavity does not exceed 1/4 of a panel depth.

As to claim 25, GARTRELL in view of HOLMGREN ET AL. discloses a panel assembly comprising:

a first multilayer insulating panel (20 of GARTRELL) according to claim 11 as discussed above,

a second complementary multilayer insulating panel (21 of GARTRELL), identical to the first panel (20 of GARTRELL), the first and second panels (20, 21 of GARTRELL) being assembled together in at least one dimension in space with the assembly systems (25, 26 of GARTRELL) of the first and second panels (20, 21 of GARTRELL) delimiting an adjustable cavity (one of upper and lower cavities that 51 and 54, respectively, are in in Fig. 3 of GARTRELL), the cavity widening (cavities of GARTRELL as modified by HOLMGREN ET AL.) at least partly towards the inside of the panel (20 of GARTRELL), and

a seal (54 of GARTRELL) injected inside the adjustable cavity, the seal mating substantially with the whole cavity.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over GARTRELL (U.S. Patent No. 3,357,146) in view of HOLMGREN ET AL., as applied to claim 12 above, and further in view of RUDDEN (U.S. Patent No. 6,298,626).

As to claim 13, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 12 as discussed above, and HOLMGREN ET AL. also discloses that the expanded plastic core (16) is made of polyurethane (see col. 2, line 55) and the two layers of non-expanded plastic (see col. 2, line 53 - reinforced plastic facing sheets) are made of rigid plastic (reinforced plastic sheets).

Neither GARTRELL nor HOLMGREN ET AL. explicitly discloses that the two layers of non-expanded plastic are made of rigid PVC.

RUDDEN discloses that it is well known in the art to make a panel having a foamed insulating core (18) with an outer facing (14) of PVC (see col. 3, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multilayer insulating panel of GARTRELL in view of HOLMGREN ET AL. by making the outer plastic layer of rigid PVC as taught by RUDDEN in order to provide a panel having an effective and efficient exterior for a house or other building that is strong and will prevent moisture from passing therethrough to the insulating core.

Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GARTRELL (U.S. Patent No. 3,357,146) in view of HOLMGREN ET AL., as applied to claim 11 above, and further in view of BRYANT (U.S. Patent Application Publication No. 2002/0069600).

As to claim 14, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 11 as discussed above.

Neither GARTRELL nor HOLMGREN ET AL. explicitly discloses that the assembly system includes two identical plastic sections located on either side of the panel in a lengthwise direction.

BRYANT discloses that it is well known in the art to use two identical plastic (see paragraph no. [0040]) sections (32, 32) located on either side of the panel in a lengthwise direction.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multilayer insulating panel of GARTRELL in view of HOLMGREN ET AL. by making the two sections located on either side of the panel in a lengthwise direction be identical plastic sections as taught by BRYANT in order to provide a panel that is easier to assembly since there is no concern about getting the correctly shaped sections on opposite sides of the panel.

As to claim 23, GARTRELL in view of HOLMGREN ET AL. discloses the multilayer insulating panel of claim 11 as discussed above.

Neither GARTRELL nor HOLMGREN ET AL. explicitly discloses that the assembly sections have a general S shape.

BRYANT discloses that it is well known in the art to have generally S-shaped assembly sections (32, 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multilayer insulating panel of GARTRELL in view of HOLMGREN ET AL. by making the two assembly sections be generally S-shaped as taught by BRYANT in order to provide for easier mating of adjacent panels.

Response to Arguments

Applicant's arguments with respect to claims 11-15 and new claims 21-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gay Ann Spahn/
Gay Ann Spahn, Primary Examiner
December 5, 2009